

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT L. SWINTON, Jr.,	:
Plaintiff	:
v.	: Case No. 3:21-cv-11-SLH-KAP
UNITED STATES OF AMERICA,	:
Defendant	:

Memorandum Order

Plaintiff's pending motion at ECF no. 20 is denied.

Plaintiff, an inmate serving a federal sentence, filed a complaint against the United States when he was an inmate at F.C.I. Loretto alleging that an assortment of prison conditions violated his rights. He now files a motion which is styled "Notice of Motion" and which asks for two things: relief from a request for prepayment for service of his complaint, and "Injunctive Relief" in the form of release from custody at F.C.I. Danbury.

Inmate litigants have learned by folklore and trial and error that styling pleadings as motions for an injunction or for a TRO moves them to the front of the queue. That does not mean that the motions actually are motions under Rule 65, as I have previously advised plaintiff in this very case. *See* ECF no. 12. The first part of the motion misunderstands the record: service has been made and the defendant's answer is not yet due. The second part of the motion is a habeas petition which must be filed in the district of custody, not here. *See Rumsfeld v. Padilla*, 542 U.S. 426, 443-44 (2004).



DATE: January 26, 2022

Keith A. Pesto,
United States Magistrate Judge

Notice by U.S. Mail to:

Robert L. Swinton, Jr., Reg. No. 22008-055
F.C.I. Danbury
Route 37
Danbury, CT 06811